THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.8999 OF 2006

DATED: 22nd December, 2006.

Between :

M/s. Wordsworth School ... Petitioner

And

The Assistant Provident Fund Commissioner (C&R),
Regional Officer, 3-4-763,
Bhavishyanidhi Bhawan, Barkatpura,
Hyderabad-27 and another. .... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.8999 OF 2006

ORDER :

This writ petition is filed aggrieved by the order of the 1st respondent dated 6-1-2005 thereby rejecting the petitioner's application under Section 7-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') for review of the order of assessment dated 30-9-2004 made under Section 7-A of the Act for the period from 22-9-1997 to 31-3-2004.

The petitioner states that the order under Section 7-A of the Act dated 30-9-2004 was served on it on 6-10-2004 and it made an application for review under Section 7-B of the Act on 11-11-2004 within 45 days prescribed under the Statute. Since there was no response, the petitioner addressed a reminder dated 21-12-2004 specifically referring to the original review petition dated 11-11-2004. However, the 1st respondent without referring to the original Review application had passed the impugned order merely on the basis of the reminder dated 21-12-2004 thereby concluding that the Review petition which was filed after a lapse of 45 days cannot be entertained.

Having heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondents and having perused a copy of the Review application filed in Form-9 dated 11-11-2004 I find force in the submission of the learned Counsel for the petitioner that the impugned order was passed on an erroneous assumption that

the Review application was filed on 21-12-2004, whereas it was actually presented on 11-11-2004 well within 45 days from the date of service of order under Section 7-A of the Act.

Hence, the impugned order is liable to be set aside and the application for Review requires consideration on merits.

Accordingly, the impugned order dated 6-1-2005 is set aside and the Writ Petition is disposed of with a direction to the 1st respondent to consider the review application of the petitioner dated 11-11-2004 on merits and pass appropriate orders in accordance with law. No costs.

G. ROHINI, J.

Dt. 22-12-2006
gbs

BIRTHDAY FUNCTION

DATE : 10-12-2006

TIME : 6.30 pm

DINNER : 7.30 pm onwards

VENUE : L.I.C. COMMUNITY HALL,
MEHDIPATNAM.